

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HAYDEN T. RENATO,

Plaintiff,

v.

JOHN N. BEAULIEU, et al.,

Defendants.

CASE NO. C20-708 RSM

ORDER GRANTING MOTION FOR
SERVICE OF COMPLAINT AND
SUMMONSES BY U.S. MARSHAL

This matter is before the Court on Plaintiff's Motion for Service of Complaint and Summonses by U.S. Marshal. Dkt. #20.¹ Plaintiff was previously granted leave to proceed *in forma pauperis*. Dkt. #4. Plaintiff appears to have sought waivers of service from all defendants. Dkt. #8. More recently, Plaintiff was issued summonses for the eight defendants that have not filed waivers of service. Dkt. #18. Plaintiff now seeks assistance with service of the eight remaining defendants. Dkt. #20. For the reasons below, the Court grants the motion.

Federal Rule of Civil Procedure 4(c)(3) provides:

At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court.

¹ The Court notes that Plaintiff noted his motion for same day consideration as an *ex parte* motion. Even though several defendants have appeared, the Court finds it appropriate to consider the motion on an *ex parte* basis. The Court additionally does so to avoid further delays resulting from the global COVID-19 pandemic.

1 The court must so order if the plaintiff is authorized to proceed *in forma pauperis*
2 under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.

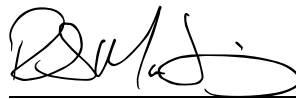
3 Rule 4 allows the Court to order service by the Marshal when requested and mandates it where
4 plaintiff is proceeding *in forma pauperis* under 28 U.S.C. § 1915. The Court recognizes that
5 Plaintiff has limited means and the Court should assist in the service of this matter and that
6 Plaintiff has provided sufficient information to effect service of the summonses and complaint.
7 Accordingly, the Court grants the motion.

8 Having reviewed Plaintiff's Motion, and for the reasons stated above, the Court hereby
9 finds and ORDERS:

- 10 1. Plaintiff's Motion for Service of Complaint and Summonses by U.S. Marshal (Dkt. #20)
11 is GRANTED.
- 12 2. The United States Marshal, by first class mail, shall send the following to each defendant
13 that remains unserved:
 - 14 a. a copy of the Amended Complaint (Dkt. #14) and of this Order;
 - 15 b. a copy of the appropriate summons previously issued to Plaintiff (Dkt. #18);
 - 16 c. two copies of the Notice of Lawsuit and Request for Waiver of Service of Summons;
 - 17 d. a Waiver of Service of Summons; and
 - 18 e. a return envelope, postage prepaid, addressed to the Clerk's Office.
- 19 3. All costs of service shall be advanced by the United States.
- 20 4. The Clerk SHALL assemble the necessary documents to effect service in a reasonably
21 timely manner.
- 22 5. The summonsed defendants shall have **thirty (30) days** within which to return the Waiver
23 of Service of Summons. If a defendant timely returns the signed Waiver, that defendant
24 shall have **sixty (60) days** after the date designated on the Notice of Lawsuit to file and

1 serve an answer or a motion directed to the Complaint, as permitted by Rule 12 of the
2 Federal Rules of Civil Procedure. **If a defendant fails to timely return the signed**
3 **Waiver, that defendant will be personally served with a Summons and Complaint**
4 **and may be required to pay the full costs of such service, pursuant to Rule 4(d)(2).**
5 Any defendant personally served shall file an answer or motion permitted under Rule 12
6 within **twenty-one (21) days** after service.

7 Dated this 29th day of June, 2020.

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11 RICARDO S. MARTINEZ
12 CHIEF UNITED STATES DISTRICT JUDGE
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